

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARL FOUST,

Plaintiff,

v.

A. OGBOONA,

Defendant.

No. 2:20-cv-2229-JAM-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On January 25, 2021, the court granted his request for leave to proceed in forma pauperis, obligating him to pay the filing fee in full through monthly payments. ECF No. 32; 28 U.S.C. § 1915(b)(1). Plaintiff now seeks to be refunded the portion of the filing fee that he has already paid because the court recommended that his case be dismissed (ECF No. 38). ECF No. 40.

Plaintiff is not entitled to a refund. His request is denied and he remains obligated to pay the entire filing fee “in increments.” *Williams v. Paramo*, 775 F.3d 1182, 1185 (9th Cir. 2015); *see also* 28 U.S.C. § 1915(b)(1) & (2); *Taylor v. Delatoore*, 281 F.3d 844, 847 (9th Cir. 2002) (“Under the PLRA, all prisoners who file IFP civil actions must pay the full amount of the filing fee.”).

////

1 Accordingly, IT IS ORDERED that plaintiff's May 3, 2021 request (ECF No. 40) is
2 denied.

3 DATED: June 14, 2021.



EDMUND F. BRENNAN

UNITED STATES MAGISTRATE JUDGE